

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DERNICK RESOURCES, INC., a  
Delaware Corporation,**

**Plaintiff,**

**VS.**

**DAVID WILSTEIN, an individual, and  
LEONARD WILSTEIN, Individually  
and as Trustee of the Leonard Wilstein  
Trust,**

## Defendants.

**7:07CV5009**

## ORDER

This matter is before the court on plaintiff's motion for leave to file an amended complaint [31]. Under Fed. R. Civ. P. 16(a), a party may amend its pleading once as a matter of course at any time before a responsive pleading is served. In response to the original complaint, the defendants filed a motion to strike (which was resolved in their favor), but have not filed an answer to the original complaint. Since the defendants have not served any responsive pleading, and upon review of plaintiff's proposed amendments,

**IT IS ORDERED** that plaintiff's motion [31] is granted, as follows:

1. Plaintiff shall file and serve the First Amended Complaint no later than **October 1, 2007.**
2. Defendants shall respond to the First Amended Complaint within the time allowed by Fed. R. Civ. P. 15(a).

**DATED September 25, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**